

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2013 JUN 12 PM 3:40

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXASBY _____
DEPUTY

BYRON CARTER, SR., §
INDIVIDUALLY AND AS HEIR TO §
THE ESTATE OF BYRON CARTER, JR., §
AND FELISHA WALLACE, §
INDIVIDUALLY AND AS HEIR TO §
THE ESTATE OF BYRON CARTER, JR., §
AND TAJA BATTS, AS NEXT FRIEND §
OF B.C., A MINOR, §
PLAINTIFFS, §

CAUSE NO. A-11-CV-887-LY

V. §
§
§
NATHAN WAGNER, IN HIS §
INDIVIDUAL CAPACITY, §
DEFENDANT. §

FINAL JUDGMENT

On November 8, 2012, Plaintiffs Byron Carter, Sr., Felisha Wallace, and Taja Batts as next friend of B.C., a minor, and Defendant City of Austin filed a Stipulation of Dismissal with Prejudice, dismissing all claims of those plaintiffs against Defendant City of Austin pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure (Doc. #29). Also on November 8, 2012, Plaintiff De'Monica Jackson and Defendant City of Austin filed a Stipulation of Dismissal with Prejudice, dismissing all of Jackson's claims against Defendant City of Austin pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure (Doc. #30). On May 30, 2013, the court granted Plaintiff De'Monica Jackson's Motion to Dismiss with Prejudice all claims of Plaintiff De'Monica Jackson against Defendant Nathan Wagner pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure (Doc. #99).

On June 3, 2013, the court called the above-styled and numbered cause for trial. After the parties announced ready for trial, the court empaneled jury of eight legally qualified

jurors, who heard the evidence and arguments of counsel. After the court read the Jury Charge and the jury questions in the Jury Verdict Form to the jury in open court, the case was submitted to the jury on June 11, 2013. The jury returned a verdict in favor of Defendant Wagner on that same date, which was received by the court and entered into the record. The court now renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS HEREBY ORDERED that Plaintiffs Byron Carter, Sr., Felisha Wallace, and Taja Batts, as next friend of B.C., a minor, **TAKE NOTHING** by their claims against Defendant Nathan Wagner.

IT IS FURTHER ORDERED that the stipulations of dismissal (Doc. ##29, 30) and the court's previous order of dismissal (Doc. #99) are brought forward and incorporated into this Final Judgment.

IT IS FURTHER ORDERED that Defendant Nathan Wagner is awarded his costs of court.

IT IS FURTHER ORDERED that all relief not expressly granted is hereby **DENIED**.

IT IS FINALLY ORDERED that this case is **CLOSED**.

SIGNED this 12th day of June, 2013.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE